

MINUTES

HUNTINGTON BEACH PLANNING COMMISSION

TUESDAY, OCTOBER 24, 2006

HUNTINGTON BEACH CIVIC CENTER

2000 MAIN STREET, HUNTINGTON BEACH, CALIFORNIA 92648

5:45 P.M. - ROOM B-8 (CITY HALL LOWER LEVEL)

CALL PLANNING COMMISSION MEETING TO ORDER

ROLL CALL: P A P P P A P
Shier-Burnett, Livengood, Scandura, Dingwall, Farley, Horgan, Dwyer
(Commissioner Livengood had an excused absence)
(Commissioner Horgan arrived at 7:10 p.m.)

AGENDA APPROVAL

A MOTION WAS MADE BY BURNETT, SECONDED BY SCANDURA TO APPROVE THE PLANNING COMMISSION STUDY SESSION AGENDA OF OCTOBER 24, 2006, BY THE FOLLOWING VOTE:

AYES: Shier-Burnett, Scandura, Dingwall, Farley, Dwyer
NOES: None
ABSENT: Livengood, Horgan
ABSTAIN: None

MOTION APPROVED

A. PROJECT REVIEW (FUTURE AGENDA ITEMS):

A-1. ZONING TEXT AMENDMENT NO. 06-07 (CHAPTER 231 – BICYCLE PARKING) – Rosemary Medel

Rosemary Medel, Associate Planner, gave an overview of the proposed text amendment. She highlighted the proposed changes which includes Public Works approval for privacy gates and parking controls.

Commissioner Dwyer asked how the privacy gates, which are already in place, would be affected. Medel advised they would be grandfathered in.

B. STUDY SESSION ITEMS:

B-1. PROPOSITION 90 (GOVERNMENT ACQUISITION, REGULATION OF PRIVATE PROPERTY, INITIATIVE CONSTITUTIONAL AMENDMENT) – COMMISSIONER SCANDURA

Commissioner Scandura gave a presentation of the proposition and potential impacts to the City.

C. AGENDA REVIEW (UPDATE ON ALL AGENDA ITEMS):

Herb Fauland announced a change to Agenda Item B-3, Condition No. 1 and reported that staff received one phone call on the item.

D. PLANNING COMMISSION COMMITTEE REPORTS - NONE

E. PUBLIC COMMENTS (Regarding Study Session Portion of Meeting) - NONE

F. PLANNING COMMISSION COMMENTS:

Commissioner Scandura reported that he attended the California Chapter APA Conference in Garden Grove. He attended sessions on Green Building, sustainability and the redevelopment of strip malls.

Commissioner Dwyer reported that he reviewed the videotape of the October 10, 2006, Planning Commission meeting. He suggested that the Commissioners ask questions related to projects and staff reports while at Study Session and before meetings.

6:35 P.M. – RECESS FOR DINNER

7:05 P.M. – COUNCIL CHAMBERS

CALL PLANNING COMMISSION MEETING TO ORDER

PLEDGE OF ALLEGIANCE – Led by Chair Dingwall

ROLL CALL: *P A P P P A P*
Shier-Burnett, Livengood, Scandura, Dingwall, Farley, Horgan, Dwyer

AGENDA APPROVAL

A MOTION WAS MADE BY SCANDURA, SECONDED BY FARLEY, TO APPROVE THE PLANNING COMMISSION AGENDA OF OCTOBER 24, 2006, BY THE FOLLOWING VOTE:

AYES: Shier-Burnett, Scandura, Dingwall, Farley, Dwyer
NOES: None
ABSENT: Livengood, Horgan
ABSTAIN: None

MOTION APPROVED

A. ORAL COMMUNICATIONS - NONE

B. PUBLIC HEARING ITEMS:

- B-1. ZONING TEXT AMENDMENT NO. 06-03 (FREEWAY SIGNS): Applicant: Jennifer Blanchart Request: To amend the North Huntington Center Specific Plan (SP1) to allow freeway-oriented signage for businesses located within the North Huntington Center and the Crossings (Bella Terra) Specific Plan areas. The proposed signage will be installed on an existing parking structure located within the North Huntington Center Specific Plan area. Location: Area bounded by: 405 freeway, Center Ave., Beach Blvd., and Southern Pacific Railroad tracks. Project Planner: Jennifer Villasenor**

STAFF RECOMMENDATION: Motion to "Approve Zoning Text Amendment No. 06-03 with findings for approval and forward Draft Ordinance, including the legislative draft to the City Council for adoption."

The Commission made the following disclosures:

- Commissioner Shier-Burnett advised she had visited the site many times.
- Commissioner Scandura advised he is familiar with the site and had spoken with Councilmember Coerper.
- Chair Dingwall stated he had visited the site many times.
- Commissioner Farley advised he was familiar with the site.
- Commissioner Horgan advised she was familiar with the site.

Jennifer Villasenor, Associate Planner, gave an overview of the amendment and the location of sign placement. She stated that the amendment would allow for advertisement due to a lack of arterial frontage at Bella Terra and Beachpointe Plaza.

Commissioner Shier-Burnett questioned the number of signs to be allowed on the parking structure and if it included a city identification sign. Villasenor stated there would be ten signs not including city identification signs.

Commissioner Scandura asked if directional signs would be installed and if they could be added to the Conditions of Approval. Villasenor stated there would not be directional signs included in this amendment. Herb Fauland, Acting Planning Manager, added that directional signs are covered under the current city ordinance.

Commissioner Farley asked if there would be any electronic reader board signs installed and who would decide on the fees. Villasenor advised there would not be any electronic reader board signs and the property owner would be required to pay fees according to the fee schedule.

THE PUBLIC HEARING WAS OPENED

Philip Schwartz, applicant's consultant, gave a review of the necessity and value of the program to the shops at Bella Terra and encouraged the Planning Commission to approve the amendment.

Dwyer asked the Mr. Schwartz if they were in full support of the signage being limited to Bella Terra and North Huntington Center. The applicant advised they were in agreement.

Scandura asked who would be the approving body for this planned sign program. Villasenor stated the Design Review Board and the Planning Director.

WITH NO ONE ELSE PRESENT TO SPEAK, THE PUBLIC HEARING WAS CLOSED.

Farley requested clarification on the number of signs to be posted on the parking structure.

Scott Hess, Acting Planning Director, recommended changing the number of signs in the amendment from ten to thirteen. This would include ten commercial signs, two project signs and one city identification sign.

Discussion ensued between Commissioners and Staff regarding sign placement and size.

A MOTION WAS MADE BY SCANDURA, SECONDED BY HORGAN TO APPROVE ZONING TEXT AMENDMENT 06-03 WITH FINDINGS FOR APPROVAL AND FORWARD DRAFT ORDINANCE, INCLUDING THE LEGISLATIVE DRAFT TO THE CITY COUNCIL, BY THE FOLLOWING VOTE:

AYES: Shier-Burnett, Scandura, Dingwall, Farley, Dwyer, Horgan
NOES: None
ABSENT: Livengood
ABSTAIN: None

MOTION APPROVED

FINDINGS OF APPROVAL

ZONING TEXT AMENDMENT NO. 06-03

FINDINGS FOR PROJECTS EXEMPT FROM CEQA:

The Planning Commission finds that the project will not have any significant effect on the environment and is exempt from the provisions of the California Environmental Quality Act (CEQA) pursuant to City Council Resolution No. 4501, Class 20, which supplements the California Environmental Quality Act. The project is exempt because it involves amendments to the North Huntington Center Specific Plan which do not change the density of the affected project areas.

FINDINGS FOR APPROVAL - ZONING TEXT AMENDMENT NO. 06-03:

1. Zoning Text Amendment No. 06-03 to allow freeway-oriented signage in the North Huntington Center Specific Plan is consistent with the goals, objectives and policies of the General Plan. The freeway-oriented signage provisions will create opportunities for businesses and developments to provide increased visibility to potential customers and promote businesses located in the North Huntington Center as well as the Crossings Specific Plan areas. The proposed zoning text amendment is consistent with the goals and policies of the Economic Development Element of the General Plan in that it allows for the promotion of businesses in the two specific plan areas within the City of Huntington Beach.

2. In the case of general land use provisions, the zoning text amendment is consistent with the uses authorized in, and the standards prescribed for, the zoning district for which it is proposed. ZTA No. 06-03 proposes additional sign criteria to allow freeway-oriented

signage on an existing parking structure in the North Huntington Center Specific Plan area. The North Huntington Center Specific Plan allows for a mix of commercial and residential uses. Commercial uses primarily include office buildings, retail shops and restaurants. Multi-family residential developments are also permitted in portions of the specific plan area. ZTA No. 06-03 does not propose to change existing land use designations and is consistent with the uses permitted in the Specific Plan because it allows for uses within the North Huntington Center (SP1) and the adjacent Crossings Specific Plan areas to take advantage of their proximity to the 405 Freeway and the location of the existing parking structure fronting the 405 Freeway by having opportunities to further promote their business uses on the parking structure.

3. A community need is demonstrated for the proposed zoning text amendment. Major revitalization efforts have taken place in the subject specific plan areas. These efforts have included the establishment of many new businesses and developments including the Bella Terra shopping center, Buca Di Beppo's restaurant and the upcoming 24 Hour Fitness Health Club. ZTA No. 06-03 proposes to permit off-premises (freeway-oriented) signage in the SP1 and Crossings Specific Plan areas due to existing site characteristics preventing visibility from the City's major thoroughfares. A lack of arterial frontage presents an unusual circumstance for the commercial developments in the SP1 and Crossings Specific Plan areas. The existing parking structure located within the SP1 area presents an opportunity for businesses within the SP1 and Crossings Specific Plan areas to take advantage of its frontage along the 405 Freeway.

The proposed zoning text amendment provides additional signage standards for businesses to attract customers to the City of Huntington Beach and enhance the regional significance of this commercial area. The additional exposure and increased visibility will benefit the business community which in turn may generate additional tax revenue for the City.

4. The adoption of ZTA No. 06-03 will be in conformity with public convenience, general welfare and good zoning practice. ZTA No. 06-03 consists of the establishment of additional development standards for signage in the North Huntington Center Specific Plan area. The proposed signage standards provide the necessary zoning provisions to ensure a high quality project with no significant impacts to surrounding properties and the 405 Freeway while providing increased visibility to City of Huntington Beach businesses.

B-2. CONDITIONAL USE PERMIT NO. 06-28 (MOBIL MINI-MART): Applicant:
Kaiser Korkis **Request:** To permit the conversion of an automobile repair facility to a convenience store as an ancillary use to an existing automobile service station. The request also includes the following exterior modifications: New storefront, design enhancements, landscape and parking upgrades, and the closure of one drive approach located on Edinger Avenue. **Location:** 16001 Beach Blvd. (southwest corner Beach Blvd. and Edinger Ave.) **Project Planner:**
Rami Talleh

STAFF RECOMMENDATION: Motion to: "Approve Conditional Use Permit No. 06-28 with findings and suggested conditions of approval."

The Commission made the following disclosures:

- Commissioner Burnett advised she has visited the site.
- Commissioner Scandura visited the site.
- Chair Dingwall stated he visited the site many times.
- Commissioner Farley visited the site.
- Commissioner Horgan visited the site.
- Commissioner Dwyer had no disclosure.

Rami Talleh, Associate Planner, gave a Powerpoint presentation of the proposed project which included the conversion of the repair facility to a convenience store, the exterior modifications and design.

THE PUBLIC HEARING WAS OPENED

Kimo Jarrett, Applicant, spoke in favor of the project and advised he was available to answer questions.

WITH NO ONE ELSE PRESENT TO SPEAK, THE PUBLIC HEARING WAS CLOSED.

A MOTION WAS MADE BY SCANDURA, SECONDED BY SHIER-BURNETT TO APPROVE CONDITIONAL USE PERMIT NO. 06-28 WITH FINDINGS AND SUGGESTED CONDITIONS OF APPROVAL, BY THE FOLLOWING VOTE:

AYES: Shier-Burnett, Scandura, Dingwall, Farley, Horgan, Dwyer
NOES: None
ABSENT: Livengood
ABSTAIN: None

MOTION APPROVED

FINDINGS AND CONDITIONS OF APPROVAL

CONDITIONAL USE PERMIT NO. 06-28

FINDINGS FOR PROJECTS EXEMPT FROM CEQA:

The Planning Commission finds that the project will not have any significant effect on the environment and is exempt from the provisions of the California Environmental Quality Act (CEQA) pursuant to Section 15301 of the CEQA Guidelines, which states that operation and minor alteration to existing structures involving negligible or no expansion are exempt from further environmental review.

FINDINGS FOR APPROVAL - CONDITIONAL USE PERMIT NO. 06-28:

1. Conditional Use Permit No. 06-28 for the conversion of an automobile repair facility to a convenience store as an ancillary use to an existing automobile service station will not be detrimental to the general welfare of persons working or residing in the vicinity or detrimental to the value of the property and improvements in the neighborhood. The proposed

convenience store is an ancillary use to an existing automobile service station and will provide an opportunity for residents and visitors to shop for goods and services as they enter or leave the City. The proposed improvements will improve both on-site and off-site circulation. The conversion will not generate noise, traffic, odor or other impacts at levels inconsistent with the commercial zoning applicable to the subject property.

2. The conditional use permit will be compatible with surrounding uses because the project is proposed on a commercially zoned property located at the intersection of Edinger Avenue and Beach Blvd., a commercial corridor primarily developed with other commercial uses and similar service stations with ancillary convenience store. The design enhancements proposed by the applicant and recommended by the Design Review Board will make the site's appearance compatible with the Bella Terra Mall and Bella Terra Car Wash, which are designed with similar colors and architectural features. In addition, removal of the automobile repair facility will eliminate a quasi-industrial use inconsistent with the commercial nature of the area.
3. The proposed mini-mart conversion will comply with the provisions of the base district and other applicable provisions in Titles 20-25 of the Huntington Beach Zoning and Subdivision Ordinance with the exception of reduced landscaping requirements and canopy setbacks along Edinger Avenue and Beach Boulevard previously approved by Conditional Exception No. 93-16. The project complies with building setbacks, maximum floor area ratio, building height, and parking. Furthermore, removal of a driveway entrance on Edinger Ave. will be in compliance with Precise Plan of Street Alignment No. 92-2 approved by the City in 1992.
4. The granting of the conditional use permit will not adversely affect the General Plan. It is consistent with the Land Use Element designation of General Commercial on the subject property. In addition, it is consistent with the following goals and policies of the General Plan:

A. Land Use Element

Objective LU 10.1 Provide for the continuation of existing and development of a diversity of retail and service commercial uses that are oriented to the needs of local residents, serve the surrounding region, serve visitors to the City, and capitalize on Huntington Beach's recreational resources.

Policy 10.1.1 Accommodate the development of neighborhood, community, regional, office, and visitor-servicing commercial uses in area designated on the Land Use Plan Map

The proposed convenience store as an ancillary use to the automobile service station will provide needed services for residents and visitors to the City. The new facility provides residents and visitors to the City with a service as they are en route to the City's recreational resources. The proposed use will provide an additional shopping opportunity for residents and visitors as they enter or leave the City.

B. Urban Design Element

Goal UD 1 Enhance the visual image of the City of Huntington Beach.

Objective UD 1.2 Consider establishing, at each significant node, a local center that serves its neighborhood constituency and provides a strong and distinct image for the district.

The subject site is located at the Edinger Avenue/San Diego Freeway/Beach Boulevard intersection, a primary entry node to the city. At this intersection and across Edinger Ave. is the Bella Terra Mall, which serves as a regional and local center with a strong and distinct image. The new storefront, design enhancements, and colors are consistent with Bella Terra Mall and will bolster and enhance the visual image at one of the City's primary entry nodes.

C. Economic Development Element

Goal ED 2 Aggressively retain and enhance the existing commercial, industrial, and visitor serving uses while attracting new uses to Huntington Beach

Policy ED2.4.1 Encourage and assist existing and potential commercial owners to modernize and expand their commercial properties.

The conversion of the automobile repair facility into a convenience store with façade and on-site improvements will enable the business to compete with other newly constructed service stations with convenience markets located along Beach Boulevard. In addition the proposed exterior improvements to the building will modernize the appearance of the structure.

D. Circulation Element

Goal CE 2 Provide a circulation system which supports existing, approved, and planned land uses throughout the City while maintaining a desired level of service on all streets and at all intersections.

Policy CE 2.3.2 Limit driveway access points and require adequate driveway widths onto arterial roadways and require driveways be located to ensure the smooth and efficient flow of vehicles, bicycles and pedestrians.

The eastbound traffic lane abutting the site along Edinger Avenue is a "right-turn only" lane. Removal of the easterly most driveway entrance on Edinger Avenue eliminates potential traffic conflicts between vehicles egressing/ingressing the site with vehicular traffic continuing east to turn right on Beach Blvd. The removal of the driveway entrance is consistent with Precise Plan of Street Alignment No. 92-2 and the adopted improvements for Edinger Avenue. The goal is to improve existing traffic flow and meet the needs of the area to accommodate future commercial expansion along the Edinger Ave. corridor.

CONDITIONS OF APPROVAL - CONDITIONAL USE PERMIT 06-28:

1. The site plan, floor plans, and elevations received and dated July 21, 2006, shall be the conceptually approved design with the following modifications:
 - a. A three-foot wide landscaped planter shall be provided in front of the building along the southeast and southwest elevations. The existing 24 ft. drive aisle width south of the building shall be maintained.

- b. The cornice treatment on the building shall be painted a cocoa color (DEC755).
 - c. A white (DEW380) band shall be painted on the fascia on all four elevations of the building.
 - d. A blue corporate stripe (Beautiful Blue DEA136), in addition to the white band, shall be painted on the fascia of the southeast building elevation. In addition the proposed blue arches above the entrance shall remain.
 - e. The main color of the building shall be painted beige, two shades lighter than that of the color of existing brick veneer on the building.
 - f. A brick wainscoting to match that of the existing structure shall be provided for the bottom five feet of pump island support columns. In addition the support columns shall be painted beige to match the main color of the structure.
2. Prior to submittal for building permits the following shall be completed:
 - a. One set of project plans, revised pursuant to Condition of Approval No. 1, shall be submitted for review, approval and inclusion in the entitlement file, to the Planning Department.
 3. The proposed bathroom located within the convenience store shall be made to available to the public.

INDEMNIFICATION AND HOLD HARMLESS CONDITION:

The owner of the property which is the subject of this project and the project applicant if different from the property owner, and each of their heirs, successors and assigns, shall defend, indemnify and hold harmless the City of Huntington Beach and its agents, officers, and employees from any claim, action or proceedings, liability cost, including attorney's fees and costs against the City or its agents, officers or employees, to attack, set aside, void or annul any approval of the City, including but not limited to any approval granted by the City Council, Planning Commission, or Design Review Board concerning this project. The City shall promptly notify the applicant of any claim, action or proceeding and should cooperate fully in the defense thereof.

B-3. CONDITIONAL USE PERMIT NO. 06-34 (THE TATTOO GALLERY):

Applicant: Dan McNab **Request:** To permit the establishment of a tattoo studio (approximately 400 square feet) in conjunction with an art gallery, in an existing 1,076 square foot retail suite. **Location:** 19921 Beach Boulevard (west side of Beach Boulevard, north of Adams Avenue **Project Planner:** Tess Nguyen

STAFF RECOMMENDATION: Motion to "Approve Conditional Use Permit No. 06-34 with suggested findings and conditions of approval."

The Commission made the following disclosures:

- Commissioner Burnett advised she has visited the site many times.
- Commissioner Scandura visited the site.
- Chair Dingwall stated he visited the site.

- Commissioner Farley visited the site.
- Commissioner Horgan advised she is familiar with the site.
- Commissioner Dwyer advised his is familiar with the site.

Tess Nguyen, Associate Planner, gave a Powerpoint presentation of the proposed project which includes a tattoo shop and art gallery. Nguyen stated she received one late communication opposed to the project.

THE PUBLIC HEARING WAS OPENED

Dan McNab, Applicant, explained there would be an art gallery as well as tattoo parlor which would include sculptures, paintings and tattoo art.

Shier-Burnett voiced concern regarding under age visitors.

McNab stated that all tattoo patrons are required to present identification prior to being tattooed.

WITH NO ONE ELSE PRESENT TO SPEAK, THE PUBLIC HEARING WAS CLOSED.

Scandura questioned if the hours of operation could be mandated by the City.

Fauland stated that the Conditional Use Permits for other tattoo shops in the City have not been regulated and their hours have been self-imposed.

McNab stated he intends to close at 10:00 p.m., however, he wants to retain the right to close later if necessary due to out of town visitors and lengthy tattoo sessions.

Discussion ensued between the Commissioners, Staff and the Applicant regarding regulating hours of operation.

Chair Dingwall asked if any of the other businesses in the complex are regulated. Staff advised they are not.

Dingwall and Dwyer stated that this could be deemed as discriminatory and suggested approval of the CUP.

A MOTION WAS MADE BY SHIER-BURNETT, SECONDED BY DWYER TO APPROVE CONDITIONAL USE PERMIT NO. 06-34 WITH SUGGESTED FINDINGS AND CONDITIONS OF APPROVAL, BY THE FOLLOWING VOTE:

AYES:	Shier-Burnett, Scandura, Dingwall, Farley, Horgan, Dwyer
NOES:	None
ABSENT:	Livengood
ABSTAIN:	None

MOTION APPROVED

FINDINGS AND CONDITIONS OF APPROVAL

CONDITIONAL USE PERMIT NO. 06-34

FINDINGS FOR PROJECTS EXEMPT FROM CEQA:

The Planning Commission finds that the project will not have any significant effect on the environment and is exempt from the provisions of the California Environmental Quality Act (CEQA) pursuant to Section 15301 of the CEQA Guidelines, which states that operation and minor alteration to existing structures are Categorically Exempt.

FINDINGS FOR APPROVAL - CONDITIONAL USE PERMIT NO. 06-34:

1. Conditional Use Permit No. 06-34 to permit the establishment of a 400 square foot tattoo studio in conjunction with an art gallery in an existing 1,076 square foot retail suite, will not be detrimental to the general welfare of persons working or residing in the vicinity or detrimental to the value of the property and improvements in the neighborhood because the existing shopping center contains similar and complimentary uses to the proposed tattoo shop. In addition, based upon the conditions imposed, the tattoo establishment will comply with Huntington Beach Municipal Code Chapter 8.72, which establishes criteria, standards, and regulations to ensure safe and sterile tattoo operations for the health of both clients and operators of the tattoo business.

2. The conditional use permit will be compatible with surrounding land uses because the tattoo business is not anticipated to create undue noise and adequate on-site parking is provided.

3. The proposed tattoo establishment will comply with the provisions of the base district and other applicable provisions in Titles 20-25 of the Huntington Beach Zoning and Subdivision Ordinance. In addition, the business will comply with all standards and regulations of any State, County, and local laws, in particular, Huntington Beach Municipal Code Chapter 8.72, Tattooing, Body Piercing and Permanent Cosmetics Regulations, and any applicable standards of County of Orange Health Care Agency, Environmental Health.

4. The granting of the conditional use permit will not adversely affect the General Plan. It is consistent with the Land Use Element designation of General Commercial on the subject property. In addition, it is consistent with the following goals and policies of the General Plan:

A. Land Use Element

Objective 10.1: Provide for the continuation of existing and the development of a diversity of retail and service commercial uses that are oriented to the needs of local residents, serve the surrounding region, serve visitors to the City, and capitalize on Huntington Beach's recreational resources.

Policy 10.1.11: Promote the introduction of a diversity of uses in commercial centers, particularly those containing anchor grocery stores that improve their relationship with surrounding residential neighborhoods and increasing their viability as places of community activity.

B. Economic Development Element

Policy 2.4.3: Encourage the expansion of the range of goods and services provided in Huntington Beach to accommodate the needs of all residents in Huntington Beach and the market area.

The proposed tattoo studio and art gallery meets all applicable zoning codes and development standards and improves the long-term viability of the property by expanding the current tenant base in the center. The proposed use introduces a unique service to residents in the surrounding area and visitors to Huntington Beach.

CONDITIONS OF APPROVAL – CONDITIONAL USE PERMIT NO. 06-34:

1. The site plan, floor plans, and elevations received and October 5, 2006 shall be the conceptually approved layout.
2. The business shall comply with all standards and regulations of any State, County, and local laws, in particular, Huntington Beach Municipal Code Chapter 8.72, Tattooing, Body Piercing and Permanent Cosmetics Regulations, and any applicable standards of County of Orange Health Care Agency, Environmental Health.

INDEMNIFICATION AND HOLD HARMLESS CONDITION:

The owner of the property which is the subject of this project and the project applicant if different from the property owner, and each of their heirs, successors and assigns, shall defend, indemnify and hold harmless the City of Huntington Beach and its agents, officers, and employees from any claim, action or proceedings, liability cost, including attorney's fees and costs against the City or its agents, officers or employees, to attack, set aside, void or annul any approval of the City, including but not limited to any approval granted by the City Council, Planning Commission, or Design Review Board concerning this project. The City shall promptly notify the applicant of any claim, action or proceeding and should cooperate fully in the defense thereof.

C. CONSENT CALENDAR:

C-1. PLANNING COMMISSION MINUTES DATED JULY 25, 2006

RECOMMENDED ACTION: Motion to: "Approve the July 25, 2006, Planning Commission Minutes as submitted."

A MOTION WAS MADE BY HORGAN, SECONDED BY SHIER-BURNETT, TO APPROVE THE JULY 25, 2006, PLANNING COMMISSION MINUTES WITH MODIFICATIONS, BY THE FOLLOWING VOTE:

AYES:	Shier-Burnett, Scandura, Dingwall, Horgan
NOES:	None
ABSENT:	Livengood
ABSTAIN:	Farley, Dwyer

MOTION APPROVED

C-2. PLANNING COMMISSION MINUTES DATED AUGUST 8, 2006

RECOMMENDED ACTION: Motion to: "Approve the August 8, 2006, Planning Commission Minutes as submitted."

A MOTION WAS MADE BY HORGAN, SECONDED BY FARLEY, TO APPROVE THE AUGUST 8, 2006, PLANNING COMMISSION MINUTES AS SUBMITTED, BY THE FOLLOWING VOTE:

AYES: Shier-Burnett, Scandura, Horgan, Dwyer
NOES: None
ABSENT: Livengood
ABSTAIN: Dingwall, Farley

MOTION APPROVED

C-3. PLANNING COMMISSION MINUTES DATED AUGUST 22, 2006

RECOMMENDED ACTION: Motion to: "Approve the August 22, 2006, Planning Commission Minutes as submitted."

A MOTION WAS MADE BY FARLEY, SECONDED BY SHIER-BURNETT, TO APPROVE THE AUGUST 22, 2006, PLANNING COMMISSION MINUTES AS SUBMITTED, BY THE FOLLOWING VOTE:

AYES: Shier-Burnett, Scandura, Dingwall, Horgan
NOES: None
ABSENT: Livengood
ABSTAIN: Farley, Dwyer

MOTION APPROVED

C-4. PLANNING COMMISSION MINUTES DATED SEPTEMBER 26, 2006

RECOMMENDED ACTION: Motion to: "Approve the September 26, 2006, Planning Commission Minutes as submitted."

A MOTION WAS MADE BY HORGAN, SECONDED BY DWYER, TO APPROVE THE SEPTEMBER 26, 2006, PLANNING COMMISSION MINUTES WITH MODIFICATIONS, BY THE FOLLOWING VOTE:

AYES: Shier-Burnett, Scandura, Dingwall, Horgan, Dwyer
NOES: None
ABSENT: Livengood
ABSTAIN: Farley

MOTION APPROVED

D. NON-PUBLIC HEARING ITEMS - NONE

E. PLANNING ITEMS

- E-1. CITY COUNCIL ACTIONS FROM PREVIOUS MEETING**
Scott Hess, Acting Planning Director – reported on the items from the previous City Council meeting.
- E-2. CITY COUNCIL ITEMS FOR NEXT MEETING**
Scott Hess, Acting Planning Director – reported on the items scheduled for the next City Council meeting.
- E-3. PLANNING COMMISSION ITEMS FOR NEXT MEETING**
Herb Fauland, Acting Planning Manager – reported on the items scheduled for the next Planning Commission meeting.

F. PLANNING COMMISSION ITEMS

F-1. PLANNING COMMISSION REQUEST ITEMS – NONE

F-2. PLANNING COMMISSION COMMENTS

Commissioner Burnett – Conveyed her appreciation to Associate Planners Jennifer Villaseñor and Tess Nguyen for their exceptionally well prepared staff reports.

Commissioner Livengood – Absent.

Vice-Chairperson Scandura – Stated the Commission discussion regarding Agenda Item No. B-3 was very thorough and he appealed to the public to vote on November 7, 2006.

Chairperson Dingwall – None.

Commissioner Farley – None.

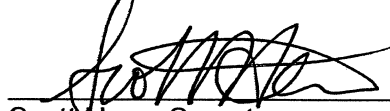
Commissioner Horgan – None.

Commissioner Dwyer – None.

ADJOURNMENT:

Adjourned at 8:45 p.m. to the next regularly scheduled meeting of Tuesday, November 14, 2006.

APPROVED BY:



Scott Hess, Secretary



Robert Dingwall, Chair